

RENTON CITY COUNCIL  
Regular Meeting

June 24, 2002  
Monday, 7:30 p.m.

Council Chambers  
Renton City Hall

MINUTES

**CALL TO ORDER**

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF  
COUNCILMEMBERS**

TONI NELSON, Council President; RANDY CORMAN; DON PERSSON; KING PARKER; TERRI BRIERE; KATHY KEOLKER-WHEELER; DAN CLAWSON.

**CITY STAFF IN  
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; ZANETTA FONTES, Assistant City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; VICTORIA RUNKLE, Finance & Information Services Administrator; LESLEY NISHIHIRA, Senior Planner; ALEX PIETSCH, Economic Development Director; GIL CERISE, Senior Planner; ABDLOU GAFOUR, Water Utility Supervisor; DEREK TODD, Assistant to the CAO; GAY BOYER, Staff Services Supervisor; COMMANDER KATHLEEN MCCLINCY and COMMANDER ROBERT SEELYE, Police Department.

**Moment of Silence**

At the request of Councilman Persson, the City Council observed a moment of silence for King County Deputy Richard Herzog who died in the line of duty in Newcastle on June 22nd.

**PUBLIC HEARINGS**

Development Services: Boeing  
Longacres Office Park  
Development Agreement

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the proposed updated development agreement between the City of Renton and The Boeing Company for the Boeing Longacres Office Park (LOP) property, consisting of 158 acres located south of I-405 and west of SR-167.

Lesley Nishihira, Senior Planner, stated that the site is located within the Employment Area Valley Comprehensive Plan land use designation and is zoned Commercial Office (CO). She reported that the LOP Environmental Impact Statement (EIS), adopted in 1995, analyzed the construction of 2.5 million square feet of office and light-industrial development as well as related support facilities to be developed over four phases. A development agreement was previously approved in 2000 for the LOP, as well as an addendum to the 1995 EIS in order to allow an additional 500,000 square feet for a total of 3 million square feet. Reviewing the four phases of development for the LOP, Ms. Nishihira pointed out that Phase IV consists of the future build out of the remaining 2.7 million square feet of capacity.

Continuing, Ms. Nishihira explained that the City approved a binding site plan earlier this year which allows for subdivision of the LOP site into 35 lots as well as five utility tracts. The binding site plan allows for flexibility for future individual development proposals. She said that the purpose of the development agreement is to provide certainty over the next 20 years for the applicable development regulations and review and approval processes. Ms. Nishihira noted that it would also establish future development costs. Although the new agreement would rescind the previous development agreement, which was recorded January 4, 2001, Ms. Nishihira explained that the new agreement is essentially the same document updated to reflect the binding site plan.

Ms. Nishihira reported that the State Environmental Policy Act (SEPA) requires development agreements to undergo environmental review; therefore, the City's Environmental Review Committee (EIS) issued an addendum to the 1995 EIS on May 14, 2002. In conclusion, she stated that staff recommends approval of the proposed development agreement and adoption of the enacting resolution.

Audience comment was invited, there being none, it was MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED. (See below for Planning & Development Committee report regarding this matter.)

Advancement to Planning &  
Development Committee  
Report

MOVED BY KEOLKER-WHEELER, SECONDED BY PARKER, COUNCIL SUSPEND THE RULES AND ADVANCE TO THE PLANNING & DEVELOPMENT COMMITTEE REPORT ON THIS SUBJECT. CARRIED.

**Planning & Development  
Committee**

Development Services: Boeing  
Longacres Office Park  
Development Agreement

Planning and Development Committee Chair Keolker-Wheeler presented a report recommending concurrence with the recommendation of the administration to approve the Boeing Longacres Office Park (LOP) Development Agreement II in order to establish applicable development regulations including a vesting framework and other restrictions, for future development of the Boeing LOP.

The Committee recommended that the Mayor and City Clerk be authorized to execute the development agreement. The Committee further recommended that the resolution regarding this matter be presented for reading and adoption. MOVED BY KEOLKER-WHEELER, SECONDED BY PARKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Planning: Title IV Development  
Regulation Revision Process

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the proposed amendment to City Code Title IV Development Regulations by adding an annual Development Regulation Revision Process.

Gil Cerise, Senior Planner, explained that the revision process is required by State law under the Growth Management Act. The statute requires cities and counties to include within their development regulations a procedure for any interested person to suggest development regulation amendments. Cities are also required to place suggested amendments on prioritized lists for annual consideration. Mr. Cerise stated that the annual process proposed by staff, which is modeled on the City's Comprehensive Plan Amendment process, adds a new City Code Section to Chapter 9, Title IV and allows for an exemption process for high priority Code amendments.

Continuing, Mr. Cerise reviewed the proposed timeline for the revision process, noting that the deadline to submit amendment proposals is December 15. The following May, staff reports to Council on the proposals and Council may refer the items to the Planning Commission or to the Planning & Development Committee. He explained that the submittal requirements are simple and there is no fee required. Mr. Cerise stated that if an amendment proposal is rejected, the proponent shall be informed in writing, and the rejected proposal may not be re-submitted for a period of two years unless a compelling case for changed circumstances can be made. He also pointed out that the process allows for exemptions for high priority Code amendments. In conclusion, Mr. Cerise stated that staff recommends that Council adopt the Title IV Development Regulation Revision Process.

Responding to Councilman Clawson's inquiry, Mr. Cerise explained that the proposed revision process follows the same deadlines as the Comprehensive Plan Amendment process.

Councilwoman Keolker-Wheeler asked that the proposed ordinance be revised on page 3, no. 5, to indicate that the City Clerk shall mail written notice to all proponents of amendment requests, instead of the Council.

Audience comment was invited, there being none, it was **MOVED BY PARKER, SECONDED BY NELSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.** (See page 247 for ordinance.)

## **ADMINISTRATIVE REPORT**

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2002 and beyond. Items noted included:

- \* A daytime picnic and an evening fireworks display will set the stage for the City's 4th of July Celebration. A picnic, complete with food, fun, and entertainment, will be held from 11:00 a.m. to 3:30 p.m., and the fireworks display will begin at 10:15 p.m.
- \* The Kidd Valley Summer Concert series will provide free entertainment at Coulon Beach Memorial Park starting at 7:00 p.m. every Wednesday through August 14th.
- \* The City's free summer lunch program, which provides children ages one to eighteen with one well-balanced meal each weekday, started today at three Renton sites. For more information, call 425-430-6650.

Sound Transit: HOV  
Improvement Projects,  
Perpetual Easement for BNSF  
Railroad

Planning/Building/Public Works Administrator Gregg Zimmerman gave a briefing on the negotiations with Sound Transit regarding a perpetual easement that has been requested for a portion of property owned by the City of Renton on the east side of the Burlington Northern Santa Fe (BNSF) railroad tracks. He reviewed Sound Move's proposed improvements for the Renton area, which have changed significantly from 1996 to now. The original proposed improvements included two HOV direct access interchanges at an estimated cost of \$85 million (one at the north side, in the vicinity of Park Ave. N., and one at the south side, in the vicinity of Talbot Rd. S.), and four express bus routes.

Mr. Zimmerman reported on the current situation which now includes three of the four bus routes, no south-side interchange, and the north-side interchange has continued to increase in cost to an estimated \$160 million. Indicating that Sound Transit would like to incorporate the north-side interchange into the I-405 Corridor Program, he noted that funding for the I-405 Corridor is questionable. Mr. Zimmerman stated that the tax revenue programmed for Renton projects should be used in Renton even if the interchange cannot be built; therefore, the City suggested a contingency plan be developed that lists projects eligible for funding by Sound Move.

Continuing, Mr. Zimmerman said that the City has sought a commitment for a contingency plan, but so far, Sound Transit has not complied. In the meantime, Sound Transit wants the City to grant a perpetual easement on City property to BNSF for improvements which will assist in the operation of the Tukwila Community Rail Station, and enable Sound Transit to introduce a third commuter rail train. The introduction of the third train is contingent upon building the improvements in a timely manner and problems are expected to arise

if the easement is not acquired by July 1st. Mr. Zimmerman pointed out that Council has agreed not to grant the perpetual easement until Sound Transit agrees, via a motion of the Board, to adopt a contingency plan of Renton projects which states that money reserved for Renton projects will be spent in Renton. Mr. Zimmerman reported that recent language submitted by Sound Transit to the City does not accomplish that, and he also reported that a second perpetual easement has been requested for a piece of City of Renton right-of-way.

Mayor Tanner stressed that the City wants an alternate plan for other transit supportive projects to be funded, not to be negotiated in the future. Chief Administrative Officer Jay Covington reported that discussions with Sound Transit have resulted in a proposed Motion No. M2002-86 and letter from Board Chair Ron Sims identifying Renton projects and authorizing the development of a contingency plan; however, the documents do not commit a set amount of funding.

Vernon Stoner, Sound Transit Deputy Executive Director, read portions of Ron Sim's letter and stated his hope that the proposed Motion could be put before the Sound Transit Board this Thursday for approval. Stating that Sound Transit is willing to work with the City to identify projects within the guidelines of Sound Move, Mr. Stoner acknowledged Sound Transit's commitment to spend the money in Renton.

Responding to Councilman Persson's inquiry regarding when the easement request was submitted, Mr. Stoner indicated that BNSF initially worked on it and then approached Sound Transit for help in pursuing the matter with Renton. Mr. Zimmerman said the City received the BNSF request for easement in August 2001, but did not receive the required plans until two or three months ago. Mayor Tanner requested that the record show that is when he heard about it.

Councilmembers Persson, Parker, Corman and Keolker-Wheeler agreed that the language in the Sound Transit documents is not clear enough and needs to be more specific before an agreement can be reached with the City.

At the request of Mayor Tanner, his proposed letter addressed to Board Chair Ron Sims was read specifying which Renton projects the funding should be allocated towards. The letter also stated that once the Sound Transit Board "...signs an agreement committing Sound Transit support and funds to these suggested projects up to the amount collected from Renton taxpayers...Renton will execute a dedication of a perpetual easement, at no cost, to Sound Transit..."

Councilman Persson said he agreed with the letter and suggested that language be added which states that the Board agrees not to pursue acquiring the BNSF right-of-way through Renton. Councilman Clawson also expressed his agreement with the letter but stated his opposition to adding the right-of-way language.

Discussion ensued relating to Councilwoman Keolker-Wheeler's inquiry about the honoring of commitments, the possibility of revoking the easement once granted, and Sound Move's realm of authority. Mr. Vernon expressed the desire of Sound Transit to work with the City towards obtaining an agreement.

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL PRESIDENT CO-SIGN THE LETTER WITH THE MAYOR AND FORWARD IT TO SOUND TRANSIT BOARD CHAIR RON SIMS. CARRIED.

**AUDIENCE COMMENT**

Citizen Comment: Natelson –  
Farmers Market

Debbie Natelson, 207 Main Ave. S., Renton, 98055, commended the City on its Farmers Market, saying that it is going to be very popular. Ms. Natelson questioned the exclusion of her business (selling organic coffee beans that she roasts herself) from the market, and said that her business does fall under the "baked goods" category. Upon visiting the market, she stated that she discovered goods being sold that were comparable to hers in that some of the ingredients may not be purchased in Washington but the product is produced in Washington. She inquired as to why she was not given the same opportunity as other vendors since her business appears to fall under the same guidelines.

Council President Nelson stated that Ms. Natelson asked to participate in the market about ten days before the market opened. She explained that she obtained a listing of approved market vendors from Seattle and King County, conducted a mailing to all vendors, receiving back 50 responses. An open house was conducted in May and many vendors, who had participated in other markets, signed up for the market. Ms. Nelson said that she had to limit participation in the market somehow so that it would fit in the Piazza, and indicated that she followed the Seattle Farmers Market guidelines in creating the Renton Farmers Market.

Mayor Tanner stated that the market is a citizen-run operation and Council has no authority over the market. Councilman Corman pointed out that without Ms. Nelson's hard work there would be no Farmer's Market at all, and that there will be future opportunities for merchants once improvements are made to the Pavilion Building. Council President Nelson invited Ms. Natelson to further discuss the issue with the market committee.

**CONSENT AGENDA**

Items on the consent agenda are adopted by one motion which follows the listing. At Councilwoman Keolker-Wheeler's request, item 6.e. was removed for separate consideration.

Council Meeting Minutes of  
June 17, 2002

Approval of Council meeting minutes of June 17, 2002. Council concur.

Appointment: Municipal Arts  
Commission

Mayor Tanner appointed Ava Hammond, 10610 Woodley Ave. S., Seattle, 98178, to the Municipal Arts Commission to fill the unexpired term of Loren Perrault-Jones (term to expire 12/31/2002). Refer to Community Services Committee.

Community Services: 1% for  
Art Program, Mosaic Tiles &  
Two Statues

Community Services Department recommended approval to use \$32,000 (plus tax) from the 1% for Art program to purchase mosaic tiles depicting themes from Renton for display in the new Downtown Parking Garage; and to purchase two statues entitled "Summer Breeze" and "Homework Comes First" to be placed at City parks. Refer to Community Services Committee.

Fire: King County Regional  
Disaster Plan

Fire Department requested authorization for the City to participate in the King County Regional Disaster Plan. Refer to Public Safety Committee.

CAG: 01-151, Maplewood  
Golf Course Regrade Project,  
City Transfer, Inc

Utilities Systems Division submitted CAG-01-151, Maplewood Golf Course Regrade Project; and requested approval of the project, authorization for final pay estimate in the amount of \$5,447.94, commencement of 60-day lien period, and release of retained amount of \$6,932.70 to City Transfer, Inc., contractor, if all required releases are obtained. Council concur.

MOVED BY NELSON, SECONDED BY CLAWSON, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO REMOVE ITEM 6.e. FOR

**SEPARATE CONSIDERATION. CARRIED.****Separate Consideration****Item 6.e.**

Plat: Sunnybrook, Mill Ave S  
& Cedar Ave S (PP-01-127)

Hearing Examiner recommended approval, with conditions, of the Sunnybrook Preliminary Plat; 130 lots, of which 86 lots are for detached single-family residences and 44 are for attached townhouse units on approximately 35.02 acres located west of Mill Ave. S. and Cedar Ave. S., and east of S. 35th, 37th, and 38th Streets (PP-01-127).

Responding to Councilwoman Keolker-Wheeler's inquiry regarding the water and sewer service providers for the Sunnybrook plat, Planning/Building/Public Works Administrator Gregg Zimmerman stated that the service boundary line of the Soos Creek Water & Sewer District and the City of Renton bisects the plat. He explained that the City would work with Soos Creek to establish which agency serves sewer and water to which lots.

In regards to Ms. Keolker-Wheeler's inquiry pertaining to the Environmental Review Committee (ERC) condition concerning the redesign of the roads and utilities, Mr. Zimmerman explained that portions of the subdivision are in the vicinity of mapped coal mines and the ERC wanted to make sure that single-family residences are not located near potential coal mine hazard areas. The ERC also requested that City streets avoid these areas. He said the City has requested that the developer move and modify the location of the roads to make sure that they avoid the coal mine areas and this will result in an amendment to the plat.

Responding to Councilwoman Keolker-Wheeler's concern regarding the plat amendment process, Senior Planner Lesley Nishihira explained that the process is reviewed at the administrative level and construction permits will not be issued until the project has undergone final review in order to confirm that it complies with the Hearing Examiner conditions. She pointed out that a minor amendment can only be applied for if the preliminary plat has been approved. Ms. Nishihira stated that parties of record will be notified of the minor amendment when it is submitted, and it is subject to a two-week appeal period.

Expressing her pleasure with one of the Hearing Examiner conditions requiring the posting of signs noting that all stub roads may be opened to through traffic in the future, it was **MOVED BY KEOLKER-WHEELER, SECONDED BY PARKER, COUNCIL APPROVE THE SUNNYBROOK PRELIMINARY PLAT. CARRIED.**

**CORRESPONDENCE**

Citizen Comment: Various –  
Whitworth Ave S Vacation, St.  
Anthony Church (VAC-00-  
003)

The following correspondence was read into the record in support of the Whitworth Ave. S. street vacation request by St. Anthony Parish (VAC-00-003): Ed & Pat Bentley, 115 Monterey Pl. NE, Renton, 98056; Denny & Bernadene Dochnahl, 13200 Lake Kathleen Rd. SE, Renton, 98059; Arland "Buzz" Johnson, 334 Wells Ave. S., #221, Renton, 98055; Brian Magbaleta, 4415 NE 5th St., #G204, Renton, 98059; Virgilio M. & Josefina S. Gungon, 518 NW 4th Pl., Renton, 98055; Stella S. Del Palacio, 334 Wells Ave. S., Renton, 98055; Ailien Nguyen & Minh Truong, 18622 107th Ave. SE, Renton, 98055; Joy Schum, 12626 174th Ave. SE, Renton, 98059; Sheldon Sweeney, 26805 220th Ave. SE, Maple Valley, 98038; Kristi White, 17259 SE 185th St., Renton, 98058; Ron & Joyce Austin, 16520 163rd Pl. SE, Renton, 98058; and 104 form letters received from parents of students at St. Anthony School and parishioners at St. Anthony Parish.

The following correspondence was read into the record in opposition of the

Whitworth Ave. S. street vacation request by St. Anthony Parish (VAC-00-003): Arlen Notch, 1405 Harrington Ave. SE, Renton, 98058; and Francine Taylor, 322 Morris Ave. S., Renton, 98055. **MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL REFER THE CORRESPONDENCE TO PLANNING & DEVELOPMENT COMMITTEE. CARRIED.**

## **OLD BUSINESS**

### **Transportation (Aviation) Committee**

Airport: Security Gate Replacement, Fund Appropriation

Transportation (Aviation) Committee Chair Persson presented a report regarding the Renton Municipal Airport Security Gate Replacement project. Since the events of September 11, 2001, implementation of security improvements at all airports has been put in place. On October 15, 2001, Council authorized an amount of \$300,000 to cover the cost of such improvements. This project will add needed improvements involving fence removal and installation of new perimeter security fencing, pavement removal, paving, gate removal and installation at five sites.

This request amends the required expenditure for this project upward from \$50,000 to \$200,000, which will be taken from the Airside/Landside Separation Improvement Program along with the Federal Aviation Administration (FAA) who has agreed to help fund this project in the amount of \$150,000. The Committee recommended that Council authorize \$200,000 for the Renton Municipal Airport Security Gate Replacement project. **MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Streets: Temporary Closures for Railroad Grade Crossing Reconstruction

Transportation (Aviation) Committee Chair Persson presented a report regarding the temporary full road closures for railroad crossing replacements. Burlington Northern Santa Fe (BNSF) railroad has been authorized to replace six existing railroad crossings in Renton with concrete. There are three crossings on SW 7th St., one on Lind Ave. SW at SW 40th St., one on Mill Ave. S. at Houser Way S., and one on Bronson Way N. at Houser Way S. The railroad will need temporary full road closures to complete this work which will take place on seven separate (consecutive or non-consecutive) days between July 10 and September 30, 2002. The City's traffic control contractor will submit a traffic control and detour plan with required signing with a two week notice for each closure.

The Committee recommended that Council concur with the seven total days of closures for replacement of existing railroad grade crossings by BNSF and adopt the resolution authorizing the temporary closures.\*

Stating his pleasure that these safety needs are being addressed, Councilman Persson expressed concern about the impact of the Lind Ave. SW closure on businesses such as IKEA, and indicated that City staff plans to coordinate the road closure date with IKEA.

**\*MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 247 for resolution.)**

Transportation: Citywide Walkway Study, Transportation Planning & Engineering, Inc

Transportation (Aviation) Committee Chair Persson presented a report regarding the contract with Transportation Planning & Engineering, Inc. for the Comprehensive Citywide Walkway Study. In 1991, the City of Renton commissioned Transportation Planning & Engineering, Inc. to conduct a study and produce a report that would "identify, analyze and prioritize the needs for walkway and curb ramps in the City of Renton." The report was divided into four sections corresponding to the groups who utilize pedestrian facilities: school

children, elderly people, transit riders, and all others.

Many of the projects defined in the 1991 study have been designed and constructed, some as elements of the City's newly established Neighborhood Program. At this juncture, it has been ten years since the City of Renton's last formal walkway needs analysis. As part of the City of Renton's ongoing commitment to insure that future investment continues to be both responsive to contemporary needs and it is fiscally sound, a current study is necessary.

The Committee recommended that Council authorize the Mayor and City Clerk to sign the contract with Transportation Planning & Engineering, Inc. to carry out the Comprehensive Citywide Walkway Study. **MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Finance: Water & Sewer Bond  
Rating Upgrade

Finance and Information Services Administrator Victoria Runkle stated that the City is going to sell \$12,150,000 of water and sewer revenue bonds and \$3,800,000 of LTGO bonds, and announced that Fitch Ratings has upgraded the water and sewer bonds from A+ to AA-, a one step increase. The rating submitted by Standard & Poors remained the same. She reported that both rating agencies remarked on the excellent work the City has done by diversifying its economic base, sustaining lower utility rates, increasing all other economic indicators such as assessed valuation, and maintaining healthy reserves.

Councilman Clawson commented that the City's water rates now rank in the bottom third of the Puget Sound jurisdiction. Councilman Corman stated that it is amazing to see a rating upgrade in these economic times and it is a credit to the Finance Department, Economic Development Department and the Utilities Division. Mayor Tanner pointed out that despite tight financial management, not one project has been delayed that was necessary for economic development in the City.

**Finance Committee**

Finance: Bond Issuance, Water  
& Sewer Projects

Finance Committee Chair Parker presented a report recommending adoption of the ordinance that authorizes the sale of water and sewer revenue bonds in the amount of \$12,150,000. The bonds are for the purpose of utility construction and refinancing outstanding debt. The Committee further recommended that the ordinance regarding this matter be presented for first reading. **MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.** (See page 247 for ordinance.)

Finance: Bond Issuance, Fire  
Station #12 Construction

Finance Committee Chair Parker presented a report recommending adoption of the ordinance that authorizes the sale of Limited Tax General Obligation Bonds in the amount of \$3,800,000. The bonds are for the purpose of design and construction of Fire Station #12. The Committee further recommended that the ordinance regarding this matter be presented for first reading on July 8, 2002. **MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

City Clerk: AT&T Broadband  
& Comcast Corporation Cable  
TV Franchise Merger

Finance Committee Chair Parker presented a report regarding the AT&T Broadband merger with Comcast Corporation. The Committee has reviewed the recommendations from staff and the City's cable consultant regarding a change of control of AT&T Broadband to AT&T Comcast Corporation, and recommended approval of the franchise merger, subject to the conditions contained in the resolution. The conditions require that the franchisee complies with all valid local laws, franchise requirements and agreements consistent with applicable



Federal and State law; and that the Franchise Authority's consent to the transactions shall not be construed to constitute a waiver or release of any rights the Franchise Authority has under the franchise, whether those rights arise before or after the change in control to AT&T Comcast. The Committee recommended that the City Council authorize adoption of the resolution. MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

## **ORDINANCES AND RESOLUTIONS**

### **Resolution #3575**

City Clerk: AT&T Broadband & Comcast Corporation Cable TV Franchise Merger

A resolution was read consenting to a change of control of TCI Cablevision of Washington, Inc., also known as AT&T Broadband, from AT&T Corporation to AT&T Comcast Corporation. MOVED BY PARKER, SECONDED BY CLAWSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

### **Resolution #3576**

Streets: Temporary Closures for Railroad Grade Crossing Reconstruction

A resolution was read authorizing the temporary closure of SW 7th St., Lind Ave. SW at SW 40th St., Mill Ave. S. at Houser Way S., and Bronson Way N. at Houser Way S., for a period of seven days (consecutive or non-consecutive) between July 10 and September 30, 2002, for Burlington Northern Santa Fe (BNSF) to replace six existing railroad crossings with concrete. MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinance was presented for first reading and referred to the Council meeting of 7/1/2002 for second and final reading:

Planning: Title IV Development Regulation Revision Process

An ordinance was read amending Chapters 4-8 and 4-9 of Title IV (Development Regulations) of City Code to implement RCW (Revised Code of Washington) 36.70A.470 governing development regulation amendment cycles. MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 7/1/2002. CARRIED.

Finance: Bond Issuance, Water & Sewer Projects

An ordinance was read relating to the waterworks utility of the City, including the sewerage system as a part thereof; providing for the issuance of \$12,150,000 aggregate principal amount of Water and Sewer Revenue Bonds, 2002, of the City for the purpose of obtaining funds with which to pay the costs of carrying out certain capital improvements of the waterworks utility; fixing the date, form, denominations, maturities, interest rates, terms and covenants of the bonds; providing for bond insurance; and approving the sale and providing for the delivery of the bonds to D.A. Davidson & Co., of Seattle, Washington. MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 7/1/2002. CARRIED.

The following ordinances were presented for second and final reading and adoption:

### **Ordinance #4974**

Development Services: Permit Review Process, 120-Day Goal Exemptions

An ordinance was read amending Chapter 8, Permits and Decisions, of Title IV (Development Regulations) of City Code by providing for a 120-day time goal to process permits after the date of the letter of completeness, except for appeals, which may take more time. MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Budget: 2002 Amendment,  
Additional Police & Fire  
Department Positions

An ordinance was read adding the positions of Crime Analyst, Evidence Technician, and a Commissioned Officer to the Police Department, and a Secretary 1 to the Fire Department, effective July 1, 2002, and authorizing the increased Budget appropriation of \$145,821. MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL ADOPT THE ORDINANCE AS READ.\*

Councilman Clawson conducted a presentation in support of the proposed ordinance. He stated that although Renton's population and calls for patrol officer services have increased substantially since 1999, the patrol division has increased by only one officer. He described the powers of the legislative body as defined in RCW 35A.11.020, and detailed the process by which this ordinance came before the Council this evening.

Mr. Clawson described the duties of patrol officers, pointing out that a large part of their job is responding to calls for service. He indicated that the Renton Police Department has adopted the International City Managers Association (ICMA) formula to determine the City's need for patrol officers, and according to the formula, Renton is short five officers. Speaking on the issue of school resource officers, Mr. Clawson explained why he felt they should not be counted as patrol officers in the ICMA formula, but noted that the four resource officers assigned to Renton School District schools perform a valuable service.

Stating that Renton can afford another patrol officer at this time, Mr. Clawson cited the strong financial condition of the City and the projections that a budget surplus will occur for the next four years. He added that funds from other sources can be shifted to pay for the additional officer, and if the City's financial situation worsens, vacant positions that are common with normal turnover can be left vacant until revenues improve. Mr. Clawson pointed out that the average response time for priority-one calls has risen from 3.54 minutes in 1999 to 3.91 minutes in 2001, and recommended that Council not wait until response times to calls increase to totally unacceptable levels before adding patrol officers.

Continuing, Councilman Clawson detailed reasons why hiring an additional patrol officer can make a difference, and acknowledged that the Renton Police Officers' Guild supports additional patrol staffing. He also reviewed reasons why a patrol officer should be hired now, including citizen support, decrease of Police Department overtime costs, ability to compete with other cities for business and quality residential and commercial development, and the maintenance of public confidence. Mr. Clawson explained why he felt the administration opposes the addition of another patrol officer and why the Council is divided on this issue.

In conclusion, Mr. Clawson stated that staffing of the patrol division has not kept up with population and demand, and Council can work together with the administration to find savings and/or new revenues to pay for the officer. He encouraged Council to do the right thing for the citizens who have paid for and are entitled to the very best in police protection.

Councilman Parker indicated that he disagreed with some of the points made by Mr. Clawson and felt they were incorrect, but applauded him for putting together a concise presentation. He stated that the difference in their opinions comes down to the bottom line: the dispersal of dollars – the use of one-time monies for recurring expenses. He pointed out that one of the reasons why the City is in

good financial shape is because in the past one-time revenues have not been used for recurring expenses. Mr. Parker also pointed out that the City has a structure in place to support department heads, such as the Police Chief, and that they are ultimately responsible to the Mayor and Council and should not be usurped. Stating that there are a lot of needs within the City to be balanced, Mr. Parker noted that if asked, anyone would agree that more staffing is needed. He said that the staffing issue has been brought up out of context, and should be addressed during the budget deliberation process along with other issues such as labor negotiations and healthcare costs.

Councilman Corman commented that Mr. Clawson has had an impact on the number of added police personnel. Mr. Corman reviewed the additional police staff added this year, and indicated that it is not clear if the addition of one patrol officer would decrease the response time. He expressed his support for public safety, and emphasized that the Police Chief did not request an officer during the 2002 budget deliberations and he defined the Council's role in the management of the City. Stating that this issue has emerged out of sequence and without the recommendation of the Police Chief, Mr. Corman questioned whether the City is going to micromanage staff or instead allow them to do their job by empowering those in management. He stated that Council should think forward with a holistic approach and address staffing in the 2003 budget process.

Councilman Persson addressed the issue of response times, saying that a three minute response time to priority-one calls is a long time in a life or death situation, and the only solution to reducing the response time is to add patrol officers. He expressed his support for additional officers and commented that if the City wants to save money, then forego adding the crime analyst and evidence technician positions but add the patrol officer. Mr. Persson stated that if this issue should be heard in the budget process, then the pool issue should have waited also. He encouraged Councilmembers to vote for the ordinance.

Councilwoman Briere stated that citizens have indicated to her that they do not feel safe, and she described crimes that have affected her family members. Emphasizing the need for increased public safety, Ms. Briere expressed her support for the additional patrol officer.

Councilwoman Keolker-Wheeler stated that the City recently spent a lot of money on the Downtown Parking Garage, swimming pool and Pavilion Building. She reviewed the Mayor and Councilmember positions on the staffing issue, emphasizing that discussion on this issue is not out of context. She recognized that the City does have many needs but police staffing is the issue before the Council at this time and that department heads cannot come forward if the Mayor disapproves. Councilwoman Keolker-Wheeler stated that this should not be a battle between the Mayor and Council, or the union and the Police Chief, and she expressed her support for the ordinance and encouraged an end to the debate.

Councilman Clawson also commented that discussing this issue is not out of order because Council had agreed in December 2001 to consider the issue again in 2002. He stated that more officers are needed, and if the Police Chief and Mayor do not think more are needed, they are wrong. Due to the increase in population and increased calls for service, Councilman Clawson stressed that there is a clear need for more officers.

Councilman Corman emphasized that Renton is not a high-crime city, that the City understands the need for public safety, and that police staffing has

increased. He assured citizens that Renton has an accredited police force, saying that the issue regarding police staffing will be addressed again at the upcoming budget deliberations.

**\*MOTION: ROLL CALL: FOUR AYES: PERSSON, BRIERE, KEOLKER-WHEELER, CLAWSON; THREE NAYS: NELSON, CORMAN, PARKER. CARRIED.\*** (See page 251 for further discussion on the matter and page 252 for additional Council action.)

Mayor Tanner entered his veto message to the City Council into the record: "After much deliberation, I am – for the first time in my six and one-half years as Mayor – exercising my authority under Title 35 of the RCW and vetoing the ordinance entitled 'An ordinance of the City of Renton, Washington, adding the positions of Crime Analyst, Evidence Technician, and a commissioned officer to the Police Department, and a Secretary 1 to the Fire Department, effective July 1, 2002, and authorizing the increased Budget appropriation of \$145,821.'"

"This ordinance would authorize four additional positions in the Budget and would authorize the use of one-time unallocated fund balance to fund the Police Department positions through the remainder of 2002. The ordinance assumes that funding for all four positions will be accommodated within the 2003 and future operating budgets.

"In coming to the decision to veto this ordinance, I reviewed past Council decisions related to the 2002 Budget. I also weighed the Council's decision against what I believe to be a very sound budgeting principle I have adhered to as Mayor – not to use one-time revenues to fund recurring costs. Finally, I considered what the impact of these additional positions and their attendant costs might be on future budgets in a post I-695 and I-747 environment.

"Last fall I presented a budget to the Council on the heels of the 9-11 terrorist attacks that drove this region's economy further into a recession. My budget reflected the uncertain economic times, and did not propose any new programs, staffing, or other obligations beyond the base budget. I did identify several priority areas the Council and I should address when our economic condition stabilized and showed improvement. These priorities were derived after consideration and consultation with each of my department heads, who gave me their best professional advice on what was needed. When the Council adopted the 2002 Budget on December 10, 2001, then Council President Dan Clawson presented a Committee of the Whole report – which was adopted unanimously by the full Council – which largely followed my recommendations, but which did add three positions: an animal control officer, two police officer positions, and additional funds for Human Services. The report also asked for an update on the City's financial positions in early April, and asked that in July, I 'present the Council with a mid-year analysis of revenues to determine if other priorities in the Police, Fire, Parks and Public Works Departments can be met.'

"The administration did present an update on our financial condition in April, which showed that our financial picture had not deteriorated, but had not shown appreciable improvement either. However, because the Council had asked that – if possible – additional Police Department positions be approved, and because I believed there was enough stability in our operating revenues to fund the positions, I recommended that two of the priority positions identified in the 2002 process be added – a crime analyst and an evidence technician in the Police Department.

"But I cannot approve the two additional positions authorized by this ordinance. This ordinance uses one-time revenues to provide the additional funds and it does not take into account the significant budget shortfalls created by the 1% property tax limitation, the effect of the Supreme Court decision virtually eliminating annexations, the upcoming contract negotiations, the skyrocketing healthcare cost increases, and an economy that is barely meeting reduced forecasts.

"I believe the most prudent course for the City at this time is for this ordinance to be vetoed, and for the Council to consider any additional positions in the context of the 2003 Budget process." (See page later this page for additional discussion regarding this topic.)

## **NEW BUSINESS**

Streets: Grocery Cart  
Abandonment

Councilman Persson thanked Glenn Reynolds for his assistance in returning abandoned grocery carts to the appropriate stores.

Budget: Public Hearing

Detailing the importance of receiving public input concerning the City's Budget, and suggesting that input be solicited prior to the upcoming budget deliberations, Councilman Persson suggested that a public hearing be held. Mayor Tanner agreed that any public hearings the Council would like to hold in advance of the budget process would be helpful. He added that the administration is willing to work with the Council to add needed positions that can be sustained by forecasted revenues without putting the City within the position of risk.

MOVED BY PERSSON, SECONDED BY CLAWSON, COUNCIL HOLD A PUBLIC HEARING ON JULY 8, 2002, TO RECEIVE CITIZEN INPUT ON THE PROPOSED 2003 BUDGET. CARRIED.

Police: Benefits

Councilman Persson inquired as to what benefits are available to the survivors of firefighters and police officers killed in the line of duty. Mayor Tanner stated that the inquiry would be forwarded to Human Resources Administrator Mike Webby.

Budget: 2002 Amendment,  
Additional Police & Fire  
Department Positions

Moved by Persson, seconded by Clawson, Council authorize the addition of an evidence technician to the Police Department.

Discussion ensued regarding priority between the crime analyst and evidence technician positions. Mayor Tanner expressed his desire to speak with the Police Chief before taking action on the positions.

Responding to Councilwoman Keolker-Wheeler's inquiry regarding options available to Council now that the Mayor vetoed the staffing ordinance, Assistant City Attorney Zanetta Fontes explained that Council could choose not to make a motion to override the veto and come forward with an independent motion, or override the veto with five affirmative votes, which is a majority of Council plus one. She added that the City Attorney's office would draft another ordinance consistent with the determination of the Council.

Discussion ensued regarding when the veto can be overridden. Council President Nelson indicated her preference to wait until the next meeting to address the police staffing issue.

## **RECESS**

MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL RECESS FOR FIVE MINUTES FOR LEGAL RESEARCH. CARRIED. Time: 10:48 p.m.

The meeting was reconvened at 11:05 p.m.; roll was called; all Councilmembers

present.

Budget: 2002 Amendment,  
Additional Police & Fire  
Department Positions

Assistant Attorney Fontes read for the record, a passage from RCW 35A.12.130 pertaining to a Mayor's veto of an ordinance: "Every ordinance which passes the Council in order to become valid must be presented to the Mayor; if he approves it, he shall sign it, but if not, he shall return it with his written objections to the Council and the Council shall cause his objections to be entered at large upon the journal and proceed to a reconsideration thereof. If upon reconsideration a majority plus one of the whole membership, voting upon a call of ayes and nays, favor its passage, the ordinance shall become valid notwithstanding the Mayor's veto."

Ms. Fontes described options available to Council relating to taking action on this matter.

\*Moved by Keolker-Wheeler, seconded by Clawson, Council reconsider the vote on the ordinance relating to the additional Police and Fire Department positions requested by the Public Safety Committee.\*

\*MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL LAY RECONSIDERATION OF THE ORDINANCE ON THE TABLE.\*

Mayor Tanner questioned the action taken, and stated that he would inform Council at the next meeting if the action was not in accordance with State law.

\*MOTION CARRIED.

Councilman Clawson stated that members of the Renton Police Officers' Guild have been courageous in sharing their opinions, and he expressed his hope that these officers do not face retaliation. Mayor Tanner stated that the remark was unworthy.

Police: Street Racing

Councilman Persson complimented Police Commander Robert Seelye for informing Council about a recent illegal street racing and shooting incident. MOVED BY BRIERE, SECONDED BY PERSSON, COUNCIL REFER THE TOPIC OF ILLEGAL STREET RACING TO THE PUBLIC SAFETY COMMITTEE FOR AN UPDATE FROM THE POLICE CHIEF. CARRIED.

Streets: Grocery Cart  
Abandonment

MOVED BY KEOLKER-WHEELER, SECONDED BY BRIERE, COUNCIL REFER THE ISSUE OF ABANDONED GROCERY CARTS TO THE PLANNING & DEVELOPMENT COMMITTEE. CARRIED.

**ADJOURNMENT**

MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 11:18 p.m.



BONNIE I. WALTON, City Clerk

Recorder: Michele Neumann  
June 24, 2002